IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 436 OF 2004.

1. Shri Jose Claude Rodrigues
   and his wife

2. Smt. Philomena Rodrigues,
   both residents of Cortalim, Goa. ..... Petitioners

versus

1. Shri Pedro Sebastiao Rodrigues
   and his wife

2. Smt. Conceicao Rodrigues,
   both r/o Bairo Chovoli, Cortalim.

3. Smt. Catarina Rodrigues,
   r/o Gabriel Cruz Vaddo,
   Nr. the Railway Gate,
   Utorda, Majorda – Goa. ..... Respondents

Respondents No. 1 to 12, 15 to 18 and 20 are deleted as per order dated 14.10.04.

Shri A. D. Bhobe, Advocate for the Petitioners.

Shri M. B. De Costa, Senior Advocate with Shri J. A. Lobo, Advocate for Respondents No. 1, 2 & 3.

CORAM : B. H. MARLAPALLE, J.

DATE : 5th NOVEMBER, 2004.

ORAL JUDGMENT (PER MARLAPALLE, J.) :

1. Heard Mr. Bhobe. Rule. Mr. Lobo waives service for respondents No. 1, 2 & 3 as amended.

2. By consent, rule is taken up for hearing forthwith.

3. For the reasons set out in the order passed in the Writ Petion No. 462 of 2004, today the Petition is allowed and the impugend orde dated 16.09.04 on the application at Exhibit 62 is hereby quashed and set aside. The said application is allowed and the additional documents be placed on record. It is clarified that the burden of proving these documents will entirely lie on the plaintiffs.

B. H. MARLAPALLE, J.

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